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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,982	04/16/2004	Hiroshi Ikeda	04227/LH	8749
1933	7590	09/14/2005	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 5TH AVE FL 16 NEW YORK, NY 10001-7708			RAO, SHEELA S	
			ART UNIT	PAPER NUMBER
			2125	
DATE MAILED: 09/14/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/825,982

Applicant(s)

IKEDA ET AL.

Examiner

Sheela Rao

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07082004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-14 are pending and presented for examination.
2. Applicant's submission of references on form PTO-1449, filed July 9, 2004, has been considered. A signed copy of the form is attached.

Objections

3. The disclosure is objected to because of the following informalities:

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. Appropriate correction is required.
4. The claims are objected for containing grammatical and idiomatic inconsistencies. Examiner appreciates that the Applicant is allowed to be his/her own lexicographer. However, grammatical and idiomatic language in the instant claims present difficulties in the interpretation and reading of the claimed features. Furthermore, the instant claims tend to be verbose and lengthy, which leads to confusion and lack of clarity in the understanding of the intended aspects of the invention. Applicant is advised to make necessary corrections.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
6. Claims 1-14 are rejected under 35 U.S.C. 102(a) as being anticipated by US Patent Application Publication 2004/0059635 to Chang et al.

The reference of prior art to Chang et al. (hereinafter, "Chang") teaches of a photo laboratory system that manages photo processing while managing the processing along with workflow. In doing so, the invention by Chang clearly teaches the limitations of the instant invention as claimed.

As per the limitations of instant claims 1 and 2, wherein a system for accepting customer orders at a first place to produce a product, namely photo processing, from a material is conveyed to a second place where the product is processed is taught by figure 2 of the prior art reference. The detailed description of this figure indicates the first place to be the order/automatic order reception machine and the second place where the processing takes place as the photo printer. The conveyance is accomplished through the server. An example of the processes claimed by instant claims 1 and 2 is explained in relation to figures 7 and 8, respectively, at page 9, paragraphs [0123] and [0128].

Instant claim 3 defines the material to be among those of photographic products such as film, paper, or digital data. The use of such material is inherent to the system as taught by Chang since a photo processing system is explained. With regard to instant claim 4 where the elements of the order information is listed as including the type of product, quantity of the product, along with information to identify the material, the customer, the first place, and the delivery time, the invention by Chang states the components that constitute the order information at page 4, paragraphs [0047] and [0051].

The limitations of instant claims 5-9 and 10-14 will be addressed together as these claims are directed to elements of the methodology and the process control program, respectively, of the process control system. The workflow management function module, element 18 of figure 1, uses software or a control program to schedule and control the processing of the photo laboratory to teach the limitations of the aforementioned instant claims. The workflow management module is linked to various modules that keep record of the status of the order and schedule of the system. The server functions as a database wherein order information and customer information are stored. Furthermore, the workflow management module determines a schedule based on the processing capacity of an apparatus, the number of operators, scheduled work hours, current workload, etc. Thus, the module calculates a production time and determines the processing of the product while assigning an operator to the product based on the process being performed. A display unit is provided to output the pertinent information as well as printing

a receipt of such information. See page 7, paragraph [0098] through page 8, paragraph [0104]. An example of the process fulfilled by the system as taught by Chang is stated on page 8, beginning at paragraph [0105].

For the reasons stated above, the limitations of the claimed invention is taught by the prior arts of record; thereby, rendering the instant claims unpatentable.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela Rao whose telephone number is (571) 272-3751. The examiner can normally be reached Monday - Friday from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on (571) 272-3749. The fax number for the organization where this application or any proceeding papers is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. It should be noted that status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should any questions arise regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sheela S. Rao
Patent Examiner
Art Unit 2125